

MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF CHULA VISTA

April 15, 2003

6:00 P.M.

A Regular Meeting of the City Council of the City of Chula Vista was called to order at 6:10 p.m. in the Council Chambers, located in the Public Services Building, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

PRESENT: Councilmembers: Davis, McCann, Rindone, Salas, and Mayor Padilla

ABSENT: Councilmembers: None

ALSO PRESENT: City Manager Rowlands, City Attorney Moore, and Deputy City Clerk Bennett

PLEDGE OF ALLEGIANCE TO THE FLAG, MOMENT OF SILENCE

SPECIAL ORDERS OF THE DAY

- PRESENTATION BY MAYOR PADILLA OF A PROCLAMATION TO TERRY STANCZAK, VOLUNTEER FOR THE SENIOR PATROL, PROCLAIMING APRIL 15, 2003 AS SENIOR VOLUNTEER PATROL APPRECIATION DAY

Mayor Padilla read the proclamation, and Deputy Mayor Rindone presented it to Mr. Stanczak.

- PRESENTATION BY MAYOR PADILLA OF A PROCLAMATION TO KORKI BOTTOMS, LEAD COMMUNICATIONS OPERATOR AND MILLIE OSUNA, COMMUNICATIONS OPERATOR II, PROCLAIMING THE WEEK OF APRIL 13 THROUGH APRIL 19, 2003 AS NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS APPRECIATION WEEK

Mayor Padilla read the proclamation, and Deputy Mayor Rindone presented it to Ms. Bottoms and Ms. Osuna.

- PRESENTATION BY MAYOR PADILLA OF A PROCLAMATION TO DAVID W. KROGH AND ANDREW TORRES, PRESIDENTS OF HILLTOP HIGH SCHOOL DOLLARS FOR SCHOLARS AND CASTLE PARK HIGH SCHOOL ALUMNI DOLLARS FOR SCHOLARS, PROCLAIMING THE MONTH OF MAY 2003 AS SCHOLARSHIP MONTH

Mayor Padilla read the proclamation, and Deputy Mayor Rindone presented it to Mr. Krogh and Mr. Torres.

- PRESENTATION BY MAYOR PADILLA OF A PROCLAMATION TO JAMES MARCELINO, CHILD AND YOUTH POLICY ADVOCATE, PROCLAIMING APRIL 26, 2003 AS DAY OF THE CHILD

Mayor Padilla read the proclamation, and Deputy Mayor Rindone presented it to Mr. Marcelino.

SPECIAL ORDERS OF THE DAY (Continued)

- PRESENTATION BY REPRESENTATIVES OF PACIFIC WASTE SERVICES, JERRY SCHNITZIUS, GENERAL MANAGER, AND STEVE MIESEN, FACILITY MANAGER, REGARDING RECYCLING EFFORTS IN THE CITY OF CHULA VISTA

Jerry Schnitzius presented an update on recycling in Chula Vista, which included: 2001 diversion programs; goals for the 21st century collection program in Chula Vista; variable trash rate pricing; single stream recycling; automated cart service; solid waste and recycling; and the conversion of Pacific Waste fleet vehicles to bio-diesel, resulting in reduced emissions.

Deputy Mayor Rindone asked staff to provide a written update on the City's progression towards meeting a 50 percent state-mandated diversion goal for solid waste.

CONSENT CALENDAR (Items 1 through 14).

Regarding Item No. 6, Mayor Padilla expressed concern regarding the justification for additional hours being billed and the continuing change orders and amendments to the agreement. He expressed the need to seek ways to improve the process.

1. APPROVAL OF MINUTES of April 1, 2003.

Staff recommendation: Council approve the minutes.

2. ORDINANCE NO. 2905, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE EASTLAKE II PLANNED COMMUNITY DISTRICT REGULATIONS LAND USE MAP (SECOND READING AND ADOPTION)

Adoption of the ordinance amends the Eastlake II Planned Community District Regulations Land Use District Map to change the designation of the 4.4-acre project site from Community Purpose Facility (CPF) to Residential Multi-Family (RM-25). (Director of Planning and Building)

Staff recommendation: Council place the ordinance on second reading for adoption.

3. ORDINANCE NO. 2906, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE ZONING MAP OR MAPS ESTABLISHED BY SECTION 19.18.010 OF THE CHULA VISTA MUNICIPAL CODE REZONING 180 ACRES LOCATED EAST OF THE FUTURE STATE ROUTE 125 FREEWAY AND NORTH OF PROCTOR VALLEY ROAD TO RESIDENTIAL ESTATES (RE) WITH A ("P") MODIFYING DISTRICT DESIGNATOR (SECOND READING AND ADOPTION)

Bella Lago, LLC, has submitted applications requesting approval to change the zoning of 180 acres east of future State Route 125, north of Proctor Valley Road, from Planned Community to Residential Estate with a Precise Plan Modifying District. (Director of Planning and Building)

Staff recommendation: Council place the ordinance on second reading for adoption.

CONSENT CALENDAR (Continued)

4. RESOLUTION NO. 2003-146, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING A CONTRACT WITH ULTRASIGNS, INC. TO FABRICATE AND INSTALL THE DOWNTOWN MONUMENT SIGN, LOCATED ON THIRD AVENUE BETWEEN PARK WAY AND G STREET IN THE CITY OF CHULA VISTA, CA (PROJECT RD-236

Sealed bids were received for fabricating and installing the downtown monument sign on Third Avenue, between Park Way and G Street. The scope of work consists of sign fabrication and installation, including all labor, material, equipment, tools, transportation, mobilization, traffic control, removal and disposal of existing improvements, protection and restoration of existing improvements, and other miscellaneous work necessary to construct the project in accordance with City standards. (Director of Engineering)

Staff recommendation: Council adopt the resolution.

5. RESOLUTION NO. 2003-147, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING TWO-HOUR TIME LIMITED PARKING ON THE 400 BLOCK OF WOODLAWN AVENUE AND COLORADO AVENUE AND AMENDING SCHEDULE VI OF THE REGISTER MAINTAINED IN THE OFFICE OF THE CITY ENGINEER

Staff received a letter from the Board of Directors of the Holiday Gardens Homeowners Association, complaining that residents of their complex have insufficient on-street parking in their area because trolley riders and residents of the apartments on Oaklawn Avenue continuously park their vehicles along Woodlawn Avenue, Colorado Avenue, and G Street. They requested the two-hour parking zone in order to discourage people who do not live in the immediate area from parking their vehicles on these streets for long periods of time. (Director of Engineering)

Staff recommendation: Council adopt the resolution.

6. RESOLUTION NO. 2003-148, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE TWELFTH AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND RICK ENGINEERING COMPANY FOR ADDITIONAL ENVIRONMENTAL, PRELIMINARY ENGINEERING AND FINAL ENGINEERING DESIGN SERVICES FOR THE I-805/EAST ORANGE AVENUE/OLYMPIC PARKWAY INTERCHANGE, APPROPRIATING TRANSPORTATION DEVELOPMENT IMPACT FEE FUNDS, WAIVING THE CONSULTANT SELECTION PROCESS, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT ON BEHALF OF THE CITY

On January 23, 1996, the Council approved a contract with Rick Engineering for preliminary engineering design services for three interchanges on Interstate 805, at Telegraph Canyon Road, Olympic Parkway, and East Palomar Street. Since then, due to additional work requirements by Caltrans, eleven amendments to this contract have been made. The twelfth amendment to the contract will provide for additional preliminary and final design drawings and environmental work needed to comply with state and federal requirements at the I-805/East Orange Avenue/Olympic Parkway interchange. (Director of Engineering)

Staff recommendation: Council adopt the resolution.

CONSENT CALENDAR (Continued)

- 7 A. RESOLUTION NO. 2003-149, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING ITS INTENTION TO CONSIDER CHANGES AND MODIFICATIONS TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES AUTHORIZED TO BE LEVIED WITHIN IMPROVEMENT AREA NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 07-M (EASTLAKE – WOODS, VISTAS AND LAND SWAP), AND SETTING THE PUBLIC HEARING FOR THE CITY COUNCIL MEETING OF MAY 20, 2003 AT 6:00 P.M.
- B. RESOLUTION NO. 2003-150, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING AN ANNEXATION MAP SHOWING PROPERTY TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 07-M (EASTLAKE - WOODS, VISTAS AND LAND SWAP) AND IMPROVEMENT AREA NO. 2
- C. RESOLUTION NO. 2003-151, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING ITS INTENTION TO AUTHORIZE THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 07-M (EASTLAKE - WOODS, VISTAS AND LAND SWAP) AND IMPROVEMENT AREA NO. 2, AND SETTING THE PUBLIC HEARING FOR THE CITY COUNCIL MEETING OF MAY 20, 2003 AT 6:00 P.M.

Eastlake Company has requested that the City conduct proceedings to consider changes and modifications to Improvement Area No. 2 of Community Facilities District No. 07-M (Eastlake - Woods, Vistas and Land Swap Parcel - CFD 07-M) as well as an annexation to Improvement Area No. 2 of CFD 07-M. CFD 07-M was formed in 2002 to fund the perpetual operation and maintenance of slopes, medians and parkways and storm water treatment facilities associated with Eastlake III - Woods and Vistas and Land Swap Parcel. Adoption of the resolutions initiates the formal proceedings to consider the changes and modifications to CFD No. 07-M, Improvement Area No. 2 and the annexation to CFD No. 07-M, Improvement Area No. 2. (Director of Engineering)

Staff recommendation: Council adopt the resolutions.

- 8 A. RESOLUTION NO. 2003-152, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FINAL MAP OF CHULA VISTA TRACT NO. 01-09, EASTLAKE III WOODS NEIGHBORHOODS WR-2, WR-5, AND A PORTION OF WR-4; ACCEPTING ON BEHALF OF THE PUBLIC VARIOUS PUBLIC STREETS, ALL AS GRANTED ON SAID MAP WITHIN SAID SUBDIVISION; ACCEPTING ON BEHALF OF THE CITY OF CHULA VISTA CERTAIN PUBLIC EASEMENTS, ALL AS GRANTED ON SAID MAP WITHIN SAID SUBDIVISION; AND ACKNOWLEDGING ON BEHALF OF THE CITY OF CHULA VISTA THE IRREVOCABLE OFFER OF DEDICATION FOR OPEN SPACE LOTS GRANTED ON SAID MAP WITHIN SAID SUBDIVISION
- B. RESOLUTION NO. 2003-153, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT FOR CHULA VISTA TRACT NO. 01-09, EASTLAKE III WOODS NEIGHBORHOODS WR-2 AND WR-5 FOR THE COMPLETION OF IMPROVEMENTS REQUIRED BY SAID SUBDIVISION AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

CONSENT CALENDAR (Continued)

- C. RESOLUTION NO. 2003-154, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SUPPLEMENTAL SUBDIVISION IMPROVEMENT AGREEMENT REQUIRING EASTLAKE COMPANY, LLC TO COMPLY WITH CERTAIN UNFULFILLED CONDITIONS OF RESOLUTION NO. 2001-269 FOR CHULA VISTA TRACT NO. 01-09, EASTLAKE III WOODS NEIGHBORHOODS WR-2 AND WR-5, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT
- D. RESOLUTION NO. 2003-155, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR CHULA VISTA TRACT NO. 01-09, EASTLAKE III WOODS NEIGHBORHOOD WR-4 TO REVISE THE LEGAL DESCRIPTION OF SAID SUBDIVISION, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT
- E. RESOLUTION NO. 2003-156, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDMENT TO THE SUPPLEMENTAL SUBDIVISION IMPROVEMENT AGREEMENT FOR CHULA VISTA TRACT NO. 01-09, EASTLAKE III WOODS NEIGHBORHOOD WR-4 TO REVISE THE LEGAL DESCRIPTION OF SAID SUBDIVISION, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT
- F. RESOLUTION NO. 2003-157, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A GRANT OF EASEMENTS AND MAINTENANCE AGREEMENT FOR CHULA VISTA TRACT NO. 01-09, EASTLAKE III WOODS AND VISTAS, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

On August 14, 2001, the Council approved the tentative subdivision map for Chula Vista Tract No. 01-09, Eastlake III Woods and Vistas. Adoption of the resolutions approves the final map for Woods Neighborhoods WR-2, WR-5, a portion of WR-4, and associated agreements. Also considered for approval are amendments to the existing subdivision improvement agreement and supplemental subdivision improvement agreement for Woods Neighborhood WR-4, revising the legal description of said subdivision. Adoption of the last resolution approves the grant of easements and maintenance agreement, which sets forth specific obligations and responsibilities for the maintenance by the Eastlake III Master Homeowners Association of certain landscaping improvements and facilities located within public right-of-ways and easements within the entire Eastlake III Woods and Vistas project. (Director of Engineering)

Staff recommendation: Council adopt the resolutions.

- 9. RESOLUTION NO. 2003-158, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A PURCHASE AGREEMENT WITH GREAT SCOTT TREE SERVICE TO PROVIDE TREE TRIMMING SERVICE ON AN AS-NEEDED BASIS THROUGH JUNE 30, 2004, AND AUTHORIZING THE PURCHASING AGENT TO RENEW THE AGREEMENT FOR FIVE ADDITIONAL, ONE YEAR OPTION PERIODS

CONSENT CALENDAR (Continued)

On March 13, 2003, three bids for this service were received. Staff recommends that Great Scott Tree Service be awarded the contract. (Director of Public Works-Operations, Director of Finance)

Staff recommendation: Council adopt the resolution.

10. RESOLUTION NO. 2003-159, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING AN ADDITIONAL \$29,353.46 FROM THE STATE OF CALIFORNIA E-911 REPLACEMENT FUND FOR POLICE COMMUNICATIONS CENTER TECHNOLOGY IMPROVEMENTS TO BRING THE TOTAL GRANT AWARD ACCEPTANCE TO \$407,353.46

The State of California has a program to fund replacement of older e-911 telephone equipment that has been in use seven or more years. The Chula Vista Police Department is eligible for funding under this program, as its current equipment was installed in 1994. Features of the new e-911 technology will provide the police communications center with much improved methods for handling wire line-based and wireless-based 911 calls and routing service to the citizens of Chula Vista. The State e-911 program recently granted the City an additional \$29,353.46 to purchase additional hardware and software to enhance its geographical information system and information management capability with the e-911 equipment upgrade. (Chief of Police)

Staff recommendation: Council adopt the resolution.

- 11 A. RESOLUTION NO. 2003-160, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A JOINT EXERCISE OF POWERS AGREEMENT WITH THE COUNTY OF SAN DIEGO, THE CITIES OF IMPERIAL BEACH AND SAN DIEGO, AND THE UNIFIED PORT DISTRICT FOR THE DEVELOPMENT OF A WATERSHED MANAGEMENT PLAN FOR THE OTAY RIVER WATERSHED, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY
- B. RESOLUTION NO. 2003-161, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO, THE CITY OF SAN DIEGO, THE CITY OF IMPERIAL BEACH, AND THE UNITED STATES ARMY CORPS OF ENGINEERS, REGARDING THE DEVELOPMENT OF A SPECIAL AREA MANAGEMENT PLAN FOR THE OTAY RIVER WATERSHED, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

The County of San Diego has requested that Chula Vista participate in the preparation of a Watershed Management Plan for the Otay River watershed through a joint exercise of powers agreement. The County also requested that the City participate in the preparation of a Special Area Management Plan for the Otay River through a cooperative agreement. The Special Area Management Plan would be used to assist the federal, state, and local regulatory agencies with their decision-making and grant authority to protect aquatic resources, which could include expedited federal "wetlands" permits and/or limited review for determination of project compliance. (Director of Planning and Building)

Staff recommendation: Council adopt the resolutions.

CONSENT CALENDAR (Continued)

12. RESOLUTION NO. 2003-162, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING A \$20,000 GRANT FOR THE LIFE OPTIONS PROGRAM AND AN INTERGENERATIONAL PROGRAM FROM THE COUNTY OF SAN DIEGO, AGING AND INDEPENDENCE SERVICES AWARDED TO THE RECREATION DEPARTMENT; APPROVING AN AGREEMENT BETWEEN THE CITY AND THE COUNTY; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND AMENDING THE FISCAL YEAR 2003 RECREATION DEPARTMENT BUDGET BY APPROPRIATING UNANTICIPATED REVENUE OF \$20,000

At the beginning of this fiscal year, the Senior Section of the Recreation Department collaborated with Southwestern College on a \$20,000 grant awarded by the County of San Diego, Aging and Independence Services to develop a Life Options Program. Due to the success of the program, Aging and Independence Services has awarded the Recreation Department an additional \$10,000 to be used to continue the efforts to promote and develop the Life Options program. The department, in collaboration with the Chula Vista Elementary School District, has also been awarded a \$10,000 grant to help coordinate the development of an Intergenerational Program of Parking Lot Greeters in three elementary schools and the development of volunteer opportunities. (Director of Recreation)

Staff recommendation: Council adopt the resolution.

13. RESOLUTION NO. 2003-163, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2003 RECREATION DEPARTMENT BUDGET BY APPROPRIATING \$2,000 IN UNANTICIPATED REVENUES FROM PERFORMING AND VISUAL ARTS TASK FORCE GRANT FUNDS TO THE RECREATION DEPARTMENT FOR AN ARTS PROGRAM

The Recreation Department was awarded \$2000 in Performing and Visual Arts Task Force grant funds for fiscal year 2002/2003 via the City's Office of Cultural Arts. The funds will be used for presenting young audiences of San Diego educational performances at Chula Vista recreation centers for the fiscal year. (Director of Recreation)

Staff recommendation: Council adopt the resolution.

14. RESOLUTION NO. 2003-164, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AGREEMENT WITH THE ENERGY CONSULTING TEAM OF DUNCAN, WEINBERG, GENZER & PEMBROKE, MCCARTHY & BERLIN AND NAVIGANT CONSULTING INC. TO ANALYZE THE FINANCIAL, LEGAL AND TECHNICAL FEASIBILITY OF VARIOUS POSSIBLE MUNICIPAL ENERGY BUSINESSES AND ALTERNATIVES, AND APPROPRIATING FUNDS THEREFOR

CONSENT CALENDAR (Continued)

On March 25, 2003, the Council approved staff's recommendation to select the energy consulting team of Duncan/Navigant to analyze the financial, legal and technical feasibility of various possible municipal energy utility businesses and alternatives thereto. Council authorized staff to negotiate a final contract, based on outlined terms and conditions, with Duncan/Navigant for energy consulting services and directed staff to return to Council with a final contract for approval. Approval of the agreement with Duncan/Navigant will allow completion of the feasibility analysis for an amount not to exceed \$275,000. (Assistant City Manager Morris)

Staff recommendation: Council adopt the resolution.

ACTION: Mayor Padilla noted that the letter from SDG&E, dated April 15, 2003, regarding Item No. 14, would be made part of the record. He then moved to approve staff's recommendations and offered the Consent Calendar, headings read, texts waived. The motion carried 5-0.

ORAL COMMUNICATIONS

Kenn Colclasure expressed concern regarding the public walkway located adjacent to his property. He stated that there is an ongoing problem with youth leaving broken glass and trash on the walkway, as well as tarnishing the area with graffiti. Mr. Colclasure added that despite clean-up efforts by the City, the area has become a source for gang and criminal activities. He asked that the City address the problem. Mayor Padilla referred the matter to staff to seek permanent methods with which to deal with the issue.

PUBLIC HEARINGS.

15. CONSIDERATION OF ADOPTION OF AN URGENCY ORDINANCE APPROVING AN INCREASE OF THE SEWERAGE CAPACITY CHARGE AND THE MODIFICATION OF THE MASTER FEE SCHEDULE

The City Council adopted an urgency ordinance approving an increase of the sewerage capacity charge and modification of the master fee schedule on March 18, 2003. Adoption of this urgency ordinance allows the City to continue to collect the charge during the 60-day waiting period before the regular ordinance becomes effective. (Director of Engineering)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing. With no members of the public wishing to speak, he then closed the hearing.

ACTION: Mayor Padilla offered Urgency Ordinance No. 2900-B, heading read, text waived:

URGENCY ORDINANCE NO. 2900-B, URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN INCREASE OF THE SEWERAGE CAPACITY CHARGE AND THE MODIFICATION OF THE MASTER FEE SCHEDULE

The motion carried 5-0.

PUBLIC HEARINGS (Continued)

16. CONSIDERATION OF A TENTATIVE SUBDIVISION MAP FOR A PORTION OF PLANNING AREA 12 – FREEWAY COMMERCIAL OF OTAY RANCH (APPLICANT: MCMILLIN OTAY RANCH, LLC - PCS 03-11)

McMillin Otay Ranch has requested approval of a tentative subdivision map consisting of 38 lots for freeway-oriented commercial uses, including retail land uses and streets, for their 86.9-acre portion of Freeway Commercial in the Otay Ranch, as authorized by the Planning Area 12 - Freeway Commercial Sectional Planning Area (SPA) Plan. The Environmental Review Coordinator has reviewed the proposed tentative subdivision map and determined that the project would not result in any new environmental impacts that were not previously identified in the final second tier Environmental Impact Report for the Planning Area 12 - Freeway Commercial SPA Plan, nor would the project result in a substantial increase in the severity in any environmental effects not previously identified in Final Environmental Impact Report no. 02-04. (Director of Planning and Building)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Principal Planner Rosaler presented the proposed tentative map.

Mayor Padilla opened the public hearing. With no members of the public wishing to speak, he then closed the hearing.

ACTION: Councilmember Davis offered Resolution No. 2003-165, heading read, text waived:

RESOLUTION NO. 2003-165, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING TENTATIVE SUBDIVISION MAP FOR A PORTION OF THE OTAY RANCH, SECTIONAL PLANNING AREA 12 – FREEWAY COMMERCIAL PLAN, CHULA VISTA TRACT 03-11

The motion carried 5-0.

17. CONSIDERATION OF ADOPTION OF AGREEMENTS FOR MONITORING BUILDING PERMITS FOR EASTLAKE III, OTAY RANCH VILLAGE 6, OTAY RANCH VILLAGE 11, BELLA LAGO, SAN MIGUEL RANCH AND SALT CREEK RANCH (AKA ROLLING HILLS RANCH), AND SUBSTITUTING MITIGATION MEASURES IN FEIR 97-02 (SAN MIGUEL RANCH) AND FEIR 91-03 (SALT CREEK RANCH AKA ROLLING HILLS RANCH) AND MNDIS-00-05

On April 8, 2003, the Council requested staff to bring forward a report regarding options for addressing the need to provide infrastructure in a timely manner and to ensure that the City is not growing too quickly. At the same time, staff has been working with several developers to implement provisions of previously approved “traffic enhancement agreements” that address the need to provide additional traffic capacity in eastern Chula Vista, and to consider adjustments to previously established limitations of development prior to completion of State Route 125. Staff recommends adoption of resolutions approving agreements with developers regarding monitoring of residential building permits for these projects. (Assistant City Manager Krempf, Director of Planning and Building, Director of Engineering)

PUBLIC HEARINGS (Continued)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing.

Assistant City Manager Krempf presented a report on the building permit monitoring program, stating that there are two options for the monitoring program. Option one includes a fixed number of permits to be issued for each year; the second option has a lower annual number of units that incorporates a concept of a three percent buffer on top of each year's total. He then described the key business points of the agreements as agreed to by the developers, including three-year agreements (April 1 2003 through March 31, 2006) that include a declining total number of permits in each of the three years; affordable housing units to be exempt from the program; model home permits are not counted in the number of units permitted until the model is realized as a sold unit; if capacity is unused in year one or two, then the unused capacity may be rolled over into a subsequent year with no violation of the overall total numbers; each master developer has submitted a table as to how their annual allocation will be distributed amongst their projects; commercial, industrial, and non-residential uses are proposed to not be subject to the agreements; traffic capacity improvement completion has to be in place to match the cumulative number of units that may be issued; and nothing in the agreements is intended to restrict the City's ability to exercise its discretion with regard to its threshold standards or its growth management ordinance.

Planning and Building Director Leiter summarized the growth management ordinance's purpose and intent, as follows: to provide that public facilities, services and improvements meeting City standards exist or become available concurrent with the need created by new development; to prevent growth unless adequate facilities and improvements are provided in a phased and logical fashion, as required under the General Plan; and to control the timing and location of development by tying the pace of development to the provision of public facilities and improvements to conform to the City's threshold standards and to meet the goals and objectives of the growth management program.

Peter Watry, representing Crossroads II, read a letter submitted by the organization's President, Patricia Aguilar, requesting that action on this item be postponed to the next regularly scheduled meeting in order to allow adequate time to review the technical documents and, if necessary, to meet with staff to discuss the matter.

Jerry Livingston, representing the Building Industry Association (BIA), stated that although the BIA remains in support of the current growth management program and the need to protect quality of life by providing housing to the community, it does not support a citywide permit monitoring program.

Tom Davis, representing Crossroads II, asked the Council to postpone action on the item, stating that the subject matter is extremely complex and that the public needs more time to study the proposal. He believed that Interstate I-805 should be included in the study to avoid future region-wide problems and that without the completion of State Route 125, the problems facing the City would worsen.

PUBLIC HEARINGS (Continued)

John Norman, President of the South County Building Industry Association (SCBIA), stated that the organization is opposed to a citywide permit monitoring program. He believed that the growth management plan that has been in place and adhered to by the development community provides the controls on quality of life issues that citizens seeking reasonably priced homes need. He stated that the SCBIA would prefer that the City work within the framework of the growth management ordinance.

Kent Aiden, representing Otay Ranch Company, gave a presentation on behalf of the five master planned community developers, Brookfield Homes, Corky McMillin Companies, Eastlake Company, Otay Ranch Company, and Trimark Homes. He explained the views of the developers, stating that the growth management ordinance should not be abandoned in favor of regressive methods, such as fixed numeric caps. Mr. Aiden mentioned some of the recent accomplishments by the developers, including Olympic Parkway; working on regional issues such as the Multiple Species Conservation Program, Telegraph Canyon and Salt Creek Sewer projects; H Street widening; and the university site acquisition. He stated that the developers' biggest issue with a fixed numeric cap would be the City's control of the market. He stated that the Council's approval of the agreements would artificially limit the housing supply, which further exacerbates the housing deficit and severely impacts affordability; slow the development of needed commercial and industrial development; increase developer interest costs and risk for public financing, which decreases the amount of funding available for infrastructure; and severely impact the developers' ability to provide family homes. Mr. Aiden stated that the recommendation by the developers is to add infrastructure to the system, focus on transportation demand programs, and for the City to have faith in its growth management program.

There being no further members of the public wishing to speak, Mayor Padilla closed the public hearing.

Deputy Mayor Rindone requested that copies of the traffic study prepared by Lindscott Law and Greenspan be made available to the press and members of the public.

Councilmember Salas explained the need to conduct a comprehensive review of the growth management ordinance to make certain that it works in today's world, and to obtain a time-certain report from staff well in advance of the termination of the agreements.

Councilmember Davis stated that approval of the agreements was a responsible step forward in assuring a plan for future infrastructure for the City.

Councilmember McCann stated the need to allow the City's infrastructure to catch up with its growth. He believed that the ordinance was a sincere effort by the Council to manage the growth of the City in a reasonable manner.

Mayor Padilla stated that the proposed agreements would provide the ability to make certain that the City does not grow at a rate so rapid as to endanger the quality of life for its residents and would place the Council in a position of having more leverage over the City's future. He asked that a comprehensive review of the growth management ordinance and thresholds be provided to the Council at a mid-point in the term of the agreements.

PUBLIC HEARINGS (Continued)

ACTION: Mayor Padilla offered Resolution Nos. 2003-166 and No. 2003-167, headings read, text waived:

- A. RESOLUTION NO. 2003-166, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AGREEMENTS FOR MONITORING BUILDING PERMITS BETWEEN THE CITY OF CHULA VISTA AND TRIMARK PACIFIC AND MCMILLIN ROLLING HILLS RANCH, LLC, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS ON BEHALF OF THE CITY
- B. RESOLUTION NO. 2003-167, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AGREEMENTS FOR MONITORING BUILDING PERMITS FOR EASTLAKE III, OTAY RANCH VILLAGE 6, OTAY RANCH VILLAGE 11, AND BELLA LAGO, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

Deputy Mayor Rindone seconded the motion, and it carried 5-0.

ACTION ITEMS

- 18. CONSIDERATION OF ADOPTION OF A RESOLUTION APPROVING A THREE-PARTY AGREEMENT FOR LANDSCAPE ARCHITECTURAL SERVICES FOR THE PROPOSED PUBLIC NEIGHBORHOOD PARK IN EASTLAKE VISTAS

Adoption of the following resolution approves a three-party agreement between the City of Chula Vista, The EastLake Company, and Delorenzo Inc. for landscape architectural services for the development of a proposed public neighborhood park in EastLake Vistas. (Director of Building and Park Construction, Director of Recreation, Director of Public Works Operations)

Landscape Architect Krizan presented the selection process for the Eastlake Vistas park site design contract.

ACTION: Councilmember Davis offered Resolution No. 2003-168, heading read, text waived:

RESOLUTION NO. 2003-168, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE THREE-PARTY AGREEMENT BETWEEN THE CITY OF CHULA VISTA, DELORENZO, INC., LANDSCAPE ARCHITECTS, AND EASTLAKE COMPANY FOR LANDSCAPING ARCHITECTURAL SERVICES, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

The motion carried 5-0.

OTHER BUSINESS

19. CITY MANAGER'S REPORTS

There were none.

20. MAYOR'S REPORTS

- A. Ratification of appointment to the General Plan Update Steering Committee – Gary Lee Nordstrom

ACTION: Mayor Padilla moved to ratify the appointment of Gary Lee Nordstrom. Councilmember Davis seconded the motion, and it carried 5-0.

- B. Designation of voting delegate for a Special Meeting of the League of California Cities General Assembly, to be held May 15, 2003 at 1:00 p.m. at the Sacramento Community Center Theatre

Mayor Padilla requested that Item No. 20B be continued to the meeting of May 6, 2003, and no action was taken on this item.

21. COUNCIL COMMENTS

Councilmember McCann referenced Agenda Item #17, congratulating Councilmembers on their courageous decision to unanimously approve the agreement for monitoring building permits.

Councilmember McCann announced that he attended the Citizens Advisory Support Team (CAST) graduation last Saturday.

Councilmember McCann requested the Mayor's consideration of recognizing and honoring Emerald Randolph for her countless hours as a volunteer to the City.

CLOSED SESSION

22. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

- A. City of Chula Vista v. Barnhart Contracting (CV Library); San Diego Superior Court Case No. GIS 003859

No action was taken on this item.

- B. Michael Crim vs. City of Chula Vista; U.S. District Court Case No. 00CV 0465-IEG (LAB)

This item was not discussed.

23. CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)

- Two cases

ACTION: One case was discussed, and no action was taken.

ADJOURNMENT

At 10:00 p.m., Mayor Padilla adjourned the meeting to the Regular Meeting of May 6, 2003, at 4:00 p.m. in the Council Chambers.

Lorraine Bennett
Deputy City Clerk